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Sept. 26, 2006, 12:31AM

Bar owners say smoking ban would hit hard

As City Council weighs tougher rules, report says current law hasn't affected restaurants

By ALEXIS GRANT

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Houston bar owners packed City Council chambers Monday to voice opposition to a citywide smoking ban that would prohibit their customers from lighting up.

Banning smoking in bars would dramatically hurt their sales, bar owners told members of the public safety committee. The panel also heard from a consultant for the city who said Houston's current ban has had no impact on restaurant sales.

A city ordinance has prohibited smoking in some workplaces, including restaurants, for about a year. It allows smoking in stand-alone bars and at bars within restaurants as long as smoke does not drift into the dining area.

But that's likely to change soon.

The City Council, with the support of Mayor Bill White, is considering strengthening the law to cover all workplaces, including stand-alone bars.

Opposition to change

While various organizations have expressed support for a stronger ban, it was clear at Monday's meeting that some still adamantly oppose the change.

"Draft an exception to allow bars to continue to operate and make the decision whether they want to be smoke-free or not," Philip Brinson, who owns three bars in Houston, urged council members.

Councilwoman Carol Alvarado, chairwoman of the committee, said she hopes the council will vote to approve the measure at an Oct. 11 meeting. She plans to hold one last committee meeting on the issue next week to discuss the language of the ordinance, which now is being drafted by the city's legal department.

"Bar owners, they're just looking at the bottom line," Alvarado said. "We have to stay focused as public officials as to why we're doing this: It's a health issue. It's the dangers of secondhand smoke."

Alvarado's committee held a meeting last month on those dangers, citing the U.S. surgeon general's recent recommendation that smoking be banned from all workplaces.

This time, council members considered a study on the economic impacts of smoking bans. An independent consultant used data from the first several months after Houston's ban was implemented to show that it has had no effect on the sales of restaurants, including those with bars inside.

Proposal still unclear

The study also considered other cities with similar bans and concluded that smoking bans do not hurt the restaurant industry overall, but can have different effects on various sectors of the industry, such as bars.

Some bar owners said a comprehensive ban would devastate their businesses because customers would instead go to bars outside city limits, where smoking is allowed.

Since the city's proposal is not yet complete, it's unclear what exceptions might be included, though some say smoking should be allowed on outdoor patios. Michael McCoy, who owns McCoy's Fine Cigars downtown, said he hopes shops like his that permit customers to light up inside also would be exempted.

"If they end up banning it in cigar shops I'd probably just close," McCoy said. "It's not like business is booming down here. You want to make it harder?"

One of his customers, Vance Burns, agreed as he puffed on a Flor de Oliva in McCoy's lounge. "It's like saying you can't eat in Chipotle," Burns said, gesturing to the burrito restaurant across the street. "That's their business. That's their livelihood."

Some favor statewide ban

Some bar owners, including Peter Garcia, who owns a bar and a restaurant in Houston, support a ban that applies to all establishments.

"If you're going to pass a law, it has to be the same for everybody," said Garcia, a member of the Greater Houston Restaurant Association, which recently announced its support for a comprehensive ban.

About 240 Texas municipalities have smoke-free ordinances, according to a University of Houston database.

Several bar owners said they would prefer a statewide ban that levels the playing field instead of a citywide ordinance. White is reaching out to leaders of other Texas cities to try to persuade them to join Houston in implementing a complete ban, Alvarado said.

"Many of them are waiting for Houston to take the lead and then they would follow," she said.

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